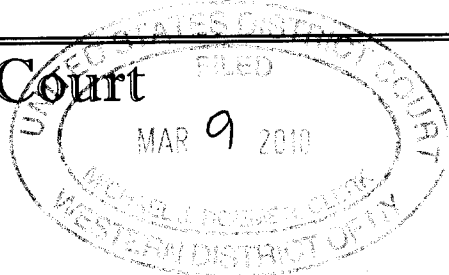


United States District Court  
for the  
Western District of New York



United States of America

v.

Samvel ISKANDARYAN

*Defendant*

Case No. 10-M- 14

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of March 8, 2010, in the county of Niagara in the Western District of New York, the defendant violated 8 U.S.C. § 1325(a)(1) and (2), an offense described as follows:

Entering and attempting to enter the United States at a place other than as designated by immigration officials, and  
Eluding examination and inspection by immigration officials.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

*Complainant's signature*

Douglas A. Henderson  
Border Patrol Agent, United States Border Patrol

*Printed name and title*

Sworn to before me and signed in my presence.

Date: March 9, 2010

City and State: Buffalo, New York

*Judge's signature*

Hon. H. Kenneth Schroeder, Jr.  
United States Magistrate Judge

*Printed name and title*

AFFIDAVIT

STATE OF NEW YORK                    )  
COUNTY OF ERIE                    ) ss:  
CITY OF BUFFALO                    )

Douglas A. Henderson, being duly sworn, deposes and states as follows:

1. I am a Border Patrol Agent with the United States Border Patrol, assigned to the Niagara Falls Border Patrol Station, Niagara Falls, New York, and have been a Border Patrol Agent for approximately five (5) years. This affidavit is based upon my own knowledge, my review of official records of the former Immigration and Naturalization Service, and current records maintained by the Department of Homeland Security. Among my duties as an employee of the United States Border Patrol is the enforcement of laws relating to the illegal immigration of persons at points not designated for admission into the United States. My area of responsibility includes Niagara County and the other counties in the Western District of New York.

2. I make this affidavit in support of the annexed Criminal Complaint charging Samvel ISKANDARYAN with a violation of Title 8, United States Code, Section 1325(a)(1) and (2) (Attempted entry and entry into the United States at a place other than as designated by

immigration officials and eluding examination and inspection by immigration officials).

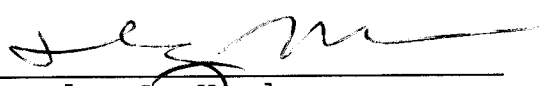
3. On March 8, 2010, at approximately 1:00 p.m., I responded to a Lewiston Police Department request for Border Patrol assistance. I arrived at the Lewiston Landing in Lewiston, New York and met with Lewiston Police Officer Schuey. Officer Schuey explained that he saw ISKANDARYAN traveling via a small inflatable raft across the Niagara River. Officer Schuey ordered ISKANDARYAN to move to the Lewiston Landing to speak with him as it appeared that his traveling via inflatable raft on the Niagara River was dangerous due to the extremely dangerous current and cold water. Officer Schuey explained that he requested Border Patrol assistance as it appeared that ISKANDARYAN was attempting entry into the United States from Canada without inspection.

4. I identified myself as Border Patrol Agent to ISKANDARYAN and performed an immigration inspection. During inspection, I asked ISKANDARYAN about his citizenship. ISKANDARYAN presented me with his Armenian Passport and United States Resident Alien Card (I-551). I then asked ISKANDARYAN why he was traveling across the Niagara River, and he told me that he left Canada and paddled his raft across the Niagara River. He further explained that he intended to enter the United States.

5. The reason given by ISKANDARYAN as to why he was trying to enter by raft, rather than present himself at the border was that in June or July 2009, he had left the United States, and entered Canada without inspection. He feared his exit from the United States jeopardized his status here, and thus, he tried to regain entry into the United States without inspection.

6. The area where ISKANDARYAN crossed the Niagara River near Lewiston, New York is not a designated port-of-entry into the United States.

7. Based on the foregoing, I have probable cause to believe that Samvel ISKANDARYAN unlawfully entered and attempted to enter the United States at a place other than that designated by immigration officials, and eluding examination and inspection by immigration officials, in violation of Title 8, United States Code, Section 1325(a)(1) and (2).

  
\_\_\_\_\_  
Douglas A. Henderson  
BORDER PATROL AGENT  
UNITED STATES BORDER PATROL

SWORN AND SUBSCRIBED to before  
me this 9th day of March 2010.

  
\_\_\_\_\_  
HONORABLE H. KENNETH SCHROEDER, JR.  
UNITED STATES MAGISTRATE JUDGE